

M I N U T E S
December 4, 2009
Committee on Professional Discipline

PARTICIPATING:

Committee on Professional Discipline meeting was called to order by Chairman Michael Johnson, Public Member, Boise, at 7:55 a.m. on Friday, December 4, 2009 in the Board of Medicine Conference Room, in Boise, Idaho. Present were Committee on Professional Discipline members: Wendell Wells, M.D., Burley; Stephen Marano, M.D., Idaho Falls; Arthur C. Jones, III, MD, Boise and Julia Bouchard, M.D., Boise. Also attending were Nancy Kerr, Executive Director; Cathleen Morgan, Board Counsel; Mary Leonard, Associate Director; Cynthia Michalik, Quality Assurance Specialist; Janet Whelan, Quality Assurance Specialist; Beverly Kendrick, Quality Assurance Specialist, Darlene Parrott, Compliance Monitor and Jean Uranga, Attorney for the Board.

MINUTES:

The minutes of the September 11, 2009, meeting were approved as written. (Jones/Unanimous)

COMMITTEE ACTIONS/RECOMMENDATIONS:

At 7:55 a.m., pursuant to Idaho Code §67-2345 (1) (b), (d) and (f), the Committee moved to go into Executive Session to consider pending matters. (Motion Jones – Approved – Bouchard, Wells, Johnson, and Marano.)

At 9:05 a.m. the Board of Medicine members joined the meeting: David A. McClusky, II, M.D., Chairman, Twin Falls; Leo Harf, M.D., Vice-Chairman, Nampa, Laura McGeorge, MD, Boise; Ralph Sutherlin, D.O., Meridian; William A Cone, M.D., Lewiston; William F. Ganz, M.D., Coeur d'Alene; Barry Bennett, MD, Idaho Falls; Trudy Jackson, Public Member, Emmett, and B. Joyce McRoberts, Public Member, Boise.

In Executive Session, the Committee met with a Respondent, accompanied by legal counsel, pursuant to a scheduled appearance. Upon departure, the Committee also considered the results of investigations and information presented in each discipline case.

At 9:55 a.m., the Committee acted to leave Executive Session and go into Open Session. (Motion - Wells, Approved – Johnson, Marano, Bouchard, and Jones)

In Open Session, the Committee voted on the matters considered during Executive Session and made recommendations to the Board of Medicine as follows:

Case No. 2009-182 - The Committee acted to recommend closure. (Marano/Unanimous)

Cases No. 2009-202 and 6400 - Respondent failed to appear as scheduled. The Committee acted

to recommend proceeding with formal proceedings. (Jones/Unanimous)

Case No. 6389 - The Committee acted to recommend closure with a Stipulation and Order for a rehabilitation evaluation and follow up. (Wells/Unanimous)

Case No. 6417 - The Committee acted to recommend closure with a Stipulation and Order for a rehabilitation evaluation and follow up. (Jones/Unanimous)

Case No. 6412 - The Committee acted to recommend closure with a Confidential Letter of Concern. (Wells/Unanimous)

Case No. 6472 - The Committee acted to recommend closure with a Stipulation and Order for a rehabilitation evaluation and follow up. (Jones/Unanimous)(Wells recused.)

Case No. 6417 - The Committee acted to recommend closure with a Stipulation and Order for a rehabilitation evaluation with a neuropsychiatric evaluation and follow up. (Jones/Unanimous)

Case No. 6412 - The Committee acted to recommend closure with a Confidential Letter of Concern. (Wells/Unanimous)

Case No. 6472 - The Committee acted to recommend closure with a Stipulation and Order for a rehabilitation evaluation and follow up. (Jones/Unanimous)

Case No. MON-25 - The Committee acted to recommend granting a request for termination of the Board's Final Order with a follow up records review in 6 months. (Jones/Unanimous)

Case No. 6473 - The Committee acted to recommend closure with a Confidential Letter of Concern with a recommendation for a boundaries course. (Jones/Unanimous)

Case No. 6433 - The Committee acted to recommend closure with a Stipulation and Order for a rehabilitation evaluation and follow up. (Wells/Unanimous) (McClusky recused.)

Case No. 6451 - The Committee acted to recommend closure with a Stipulation and Order for a rehabilitation evaluation and follow up. (Jones/Unanimous)

Case No. 6347 - The Committee acted to recommend an evaluation by committee pursuant to Idaho Code §54-1834 to determine fitness for practice. (Wells/Unanimous)

Case No. MON-125 - The Committee acted to recommend denial of a request for termination of the Stipulation and Order, and recommended that physician be prohibited from treating chronic pain patients. (Jones/Unanimous) (Bouchard recused.)

Case No. 2009-186 - The Committee acted to recommend closure. (Wells/Unanimous)

The Committee acted to recommend that the following cases be closed by consent motion: Case Nos. 6287, 6397, 6401, 6415, 6420, 6423, 6427, 6428, 6429, 6430, 6431, 6432, 6437, 6438,

6439, 6443, 6444, 6445, 6448, 6452, 6456, 6458, 6466, 6478, 6470, 6485, and 2008-126,

The Committee reviewed follow-up information presented in case Nos. MON-119, 6465, 2009-394, 2009-190, 2008-136, 2008-142, 2003-342, 5996, 6231, 6286, 2009-390, 2009-183, MON-29, 6406, 5796, 6303, 2009-187, and 2009-204. No action was required.

The Committee reviewed the Stipulation and Order Compliance Report. No action was required.

The Committee reviewed the license renewal report. No action was required.

The Committee reviewed compliance with the Patient Freedom of Information Act and acted to recommend imposing a fine for one licensee who failed to comply with the PFOI. (Case No. 2009-BOM-6502)

The Committee reviewed the reports of matters that were determined to be outside of the Board's jurisdiction.

ADJOURNMENT:

Committee Chairman Michael Johnson adjourned the meeting at 9:56 a.m. on Friday, December 4, 2009.

Minutes, December 4, 2009

Chairman

Executive Director